

1 DURIE TANGRI LLP  
JOSEPH C. GRATZ (SBN 240676)  
2 jgratz@durietangri.com  
217 Leidesdorff Street  
3 San Francisco, CA 94111  
Telephone: 415-362-6666  
4 Facsimile: 415-236-6300

5 Attorney for Plaintiffs  
Automattic Inc. and  
6 Oliver Hotham

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 AUTOMATTIC INC. and  
OLIVER HOTHAM,

12  
13 Plaintiffs,

14 v.

15 NICK STEINER,

16 Defendant.

Case No. 3:13-cv-5413-JCS

**DECLARATION OF JOSEPH C. GRATZ IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
DEFAULT JUDGMENT AGAINST NICK  
STEINER**

Date: June 27, 2014  
Time: 10:30 am  
Ct rm: G - 15th Floor  
Judge: Honorable Joseph C. Spero

I, Joseph C. Gratz, declare as follows:

1. I am a partner with the law firm of Durie Tangri LLP, and I am one of the attorneys representing Automattic Inc. in this matter. I have personal knowledge of the facts set forth herein, and if called upon to testify, I could and would testify competently and completely to the statements made herein.

2. Automattic retained my firm as counsel in this matter on September 5, 2013. Oliver Hotham retained my firm as counsel in this matter on September 26, 2013.

3. So far, three attorneys at my firm have worked on this matter: myself, Michael Page, and Michael Feldman.

4. I graduated from the University of Minnesota Law School in 2005 and have practiced in intellectual property litigation since that time. On this matter, I have billed my time at between \$490 and \$540 per hour.

5. Michael Page graduated from Boalt Hall, University of California, Berkeley Law School in 1991. He is a partner at Durie Tangri practicing intellectual property and privacy litigation. He is also a member of the San Francisco Bay Area Intellectual Property Inns of Court. On this matter, he has billed his time at \$680 per hour.

6. Michael Feldman graduated from Stanford Law School in 2011. He is an associate at Durie Tangri. He has billed his time on this matter at \$350 per hour.

7. Automattic has paid the costs and attorneys' fees in this matter and requests that the Court award these costs and attorneys' fees as provided in 17 U.S.C. § 512(f). In my experience and my familiarity with the prevailing rates that attorneys of similar experience and expertise charge for similar matters, I believe that the fees and costs in this case are both reasonable and appropriate.

8. The following chart sets out the major tasks we have performed, the approximate number of hours, and the total fees:

<u>Task</u>	<u>Hours</u>	<u>Fees</u>
Investigating the case prior to beginning to draft the complaint.	2.1	\$1,029
Researching and drafting the complaint and supporting documents, including foreign service of process.	10.9	\$5,455

<u>Task</u>	<u>Hours</u>	<u>Fees</u>
Preparing motion to relate cases and appearing for the case management conference	5.2	\$2,605
Researching and drafting motion for default and motion for default judgment including supporting documents.	15.4	\$5,431
	<b><u>TOTAL:</u></b>	<b>\$14,520</b>

9. Attached as Exhibit A is a true and correct copy of the WordPress.com terms of service.

10. Attached as Exhibit B is a true and correct copy of Steiner's first DMCA takedown notice and the correspondence between Steiner and Automattic that followed.

11. Attached as Exhibit C is a true and correct copy of Steiner's second DMCA takedown notice and the correspondence between Steiner and Automattic that followed.

12. Attached as Exhibit D is a true and correct copy of Steiner's third DMCA takedown notice and the correspondence between Steiner and Automattic that followed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 22, 2014 in San Francisco, California.

/s/ Joseph C. Gratz  
JOSEPH C. GRATZ